

### **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Office Action dated January 25, 2008 and the references cited therein. In response thereto, claims 1-26 are pending in the present application. Claims 1, 3, 4, 5, 6, 7, 14, 19 and 21 are amended herein. Claims 2 and 22 are cancelled herein. Claims 27-32 are new. Specific support for the amendments is found in the originally filed claims and in the specification. No new matter is added by way of these amendments.

#### **Rejections Under 35 U.S.C. § 112**

**Claims 3, 5-7, 14, 19 and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Specifically, the Office states that the phrase “e.g.”, in line 3 renders the claim indefinite. The rejection is moot. The claim has been amended herein to remove the phrase. Withdrawal is respectfully requested.

#### **Rejections Under 35 U.S.C. § 102**

**Claims 1 and 23-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Allain et al. (U.S. Publication No. 2006/0228177).**

Allain is not prior art to the instant invention. Specifically, the applicant points out that the instant application was filed as international application PCT/FR04/03095 on December 2, 2004 and claims priority to French patent application 0314188 filed on December 3, 2003. In contrast, Allain was filed on March 14, 2006 as U.S. application 11/374,718 and claims priority to French application 0502499 having a filing date of March 14, 2005. Thus, the priority of the instant application precedes that of Allain by over a year. Therefore, Allain cannot be used against the present invention. Further, applicant points out that paragraph [0052] of Allain cited to by the office to exhibit prior conception of the instant invention, in fact specifically refers to FR-0314188, the priority document of the instant application. The rejection being moot, withdrawal is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Applicant notes that the Office has made a series of obviousness rejections over Allain (discussed above) in view of various other references. With respect to these rejections discussed below, Applicant further notes that the inapplicability of Allain as prior art to the instant invention renders each of the following obviousness rejections made over Allain moot. However, in the interests of furthering prosecution, for the purpose of completeness and without incurring any prejudice with respect to ongoing or future prosecution, the claims have been amended herein.

**Claims 2, 10, 11, 12, 13, 15, 16, 17, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Rothschild (U.S. Patent No. 5,293,716).**

As discussed above, Allain is not prior art to the instant invention having a priority date after that of the instant invention and, further, citing specifically to the priority document of the instant application to identify the specific elements for which the Office bases its rejection. Further, while Rothschild fails to disclose or teach a string rail of composite material as required by original claim 2, the claim has been cancelled herein and the subject matter of original claim 2 has been incorporated into instant claim 1 from which claims 10-13, 15-17 and 20-21 ultimately depend. Allain not being prior art to the invention the rejection rests on Rothschild. Rothschild discloses a “gate bar comprises a tubing made of relatively light material including a tubing made of metal, fiberglass, or a resin and encased in a resilient sleeve such as Styrofoam.” Col. 1, lines 46-51. Thus, Rothschild failing to disclose, teach or suggest a string rail made of composite material and, further, having the other limitations required by claim 1 cannot make obvious the present invention. The rejection over Allain and in view of Rothschild being thus overcome, withdrawal is respectfully requested.

**Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Rothschild (U.S. Patent No. 5,293,716) and further in view of Reynolds, Jr. et al. (U.S. Patent No. 7,160,409).**

Claim 3 is rejected over Allain in view of Rothschild and further in view of Reynolds.

First, as discussed above, Allain is not prior art to the instant invention having a priority date after that of the instant invention and, further, citing specifically to the priority document of the instant application to identify the specific elements for which the Office bases its rejection. However, in the interests of furthering prosecution, for the purpose of completeness and without incurring any prejudice with respect to ongoing or future prosecution, the claims have been amended herein to depend from amended claim 1 and to further identify that the resin is an epoxy resin. As discussed above, Rothschild does not discuss, disclose or suggest a string rail fabricated from composite material. Reynolds is limited to a wound structure for reinforced plastic tubing, particularly those used in petroleum wellbores. Clearly, neither Rothschild nor Reynolds disclose or suggest a composite string rail, nor especially a composite string rail having the specifications as are required by instant claim 1. For the purposes of a wellbore tubing, Reynolds states the “wound fiber reinforced plastic tubing includes a combination, typically half by volume each of carbon fiber and glass fiber forming each layer of fiber wound on the liner.” e.g., the various fiber combinations wound around the tubing are equal. Col. 1, lines 32-35. Applicants submits that, regardless of the fact that neither Rothschild nor Reynolds disclosing or suggesting a string rail composed of composite material, claim 1 as amended herein now requires the composition of the central tube to be 55-65% glass fibers to 45-35% carbon fibers. Thus, Reynolds disclosing a wellbore tube of typically half of each fiber specifically teaches against the present invention. Further, as noted by Reynolds, “flexibility in the finished tubing is important because the finished tubing is typically wound on large reels or spools for transport and use in the intended application for the tubing.” Col. 1, lines 48-52. As will be obvious to those of skill in the art, tubing that is flexible enough to be wound around a spool will be too flexible to provide a sufficiently horizontal barrier for security purposes. Thus, the rejection over Allain further in view of Rothschild and Reynolds is overcome and should be withdrawn.

**Claims 4-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Rothschild (U.S. Patent No. 5,293,716) and further in view of Goldsworthy et al. (U.S. Patent No. 3,769,127).**

The rejection is overcome for, at least, the following reasons. First, as noted above, Allain is not prior art to the instant invention and therefore, the rejection over Allain in view of

Rothschild and further in view of Goldsworthy is moot and should be withdrawn. Nevertheless, in the interests of further prosecution, claim 1, from which claim 4 depends and claim 4 have been amended herein. Further, applicant submits that Rothschild either alone or in combination with Goldsworthy do not make instant claims 4-9 obvious.

Specifically, claim 4 requires that the string rail having the specifications required by claim 1, further comprise the 3 specific layers recited, e.g., an internal layer formed with yarns of glass fibers positioned longitudinally, a central layer formed with yarns of glass fibers oriented as a helix, and an external layer formed with yarns of carbon fibers positioned longitudinally.

As discussed above, Allain is not available as prior art for the instant invention. Nevertheless, claim 4, which depends from amended claim 1 and claims 5-9 which depend from claim 4, has been amended herein in the interests of further prosecution and without prejudicing the invention in any way with respect to pursuing continuing or divisional applications of the invention. Rothschild does not discuss, disclose or suggest a string rail fabricated from composite material. Rothschild merely discloses a “relatively light material including tubing made of metal, fiberglass, or a resin and encased in a resilient sleeve such as Styrofoam. Col. 1, lines 48-51. Goldsworthy does not remedy the deficiencies of Rothschild. Specifically, Rothschild does not disclose a composite string rail. Goldsworthy does not disclose a composite string rail but rather a “continuously formed filament reinforced tubes.” Col 3, line 14. Thus, as is evident to those of skill in the art, the pipe described by Goldsworthy does not provide a “rail”. Further, as discussed above, claim 4 now requires a 3-layer central tube. Neither Rothschild nor Goldsworthy teaches or discloses a string-rail made of composite material nor, further, a string rail made of composite material and having a 3-layer central tube. Thus, the rejection in view of Rothschild and further in view of Goldsworthy being now overcome, applicant respectfully requests withdrawal.

**Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Rothschild (U.S. Patent No. 5,293,716) as applied to claim 10 above, and further in view of Sutton et al. (U.S. Patent No. 5,965,249).**

Claim 14 is ultimately dependent from claim 1. As explained above, Allain is not prior art to the present invention. Further, as discussed above, Rothschild does not teach the elements

of the present invention particularly as required by instant claim 1. Sutton is directed to vibration damping composite material. In particular, Sutton teaches a composite material with enhanced damping properties “achieved through the entrapment of highly viscous damping fluids within the pores of a porous material.” (Abstract). Thus, Applicant submits that Sutton, either alone or in combination with Rothschild, fails to teach a string rail having the elements required of claim 1 or claims 10 and 14. Further, Sutton does not remedy the defects of Rothschild. The rejection being thus overcome withdrawal is respectfully requested.

**Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Rothschild (U.S. Patent No. 5,293,716) as applied to claim 17 above, and further in view of Kern et al. (U.S. Publication No. 2006/0228177).**

Claim 18 depends from claim 17. The rejection of claim 17 is traversed above, not least because Allain is not prior art to the instant invention. Further, Applicant submits that Kern discloses an insulated door panel and does not remedy the defects of Rothschild discussed above. The rejection being thus overcome, withdrawal is respectfully requested.

**Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177) in view of Herd (U.S. Patent No. 5,044,300) and Rothschild (U.S. Patent No. 5,293,716).**

Claim 19 depends from claim 1, the rejection of claim 1 being traversed not least because Allain is not prior art to the present invention. Further, applicant submits that Herd, being directed to a paper-like, flexible wrapper for a barrier arm, does not remedy the defects of Rothschild in disclosing the elements of claim 1. The rejection being thus overcome, Applicant respectfully requests withdrawal.

**Claims 22 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Allain et al. (U.S. Publication No. 2006/0228177).**

This rejection is moot, claim 22 having been cancelled herein without prejudice. Applicant respectfully requests withdrawal.

### CONCLUSION

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

This response is being submitted on or before June 25, 2008 with the required fee of \$460 for a 2-month extension of time, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date: June 9, 2008

By: Colin L. Fairman  
Colin L. Fairman, Reg. No. 51,663  
(612) 492-6864